

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FIDELITY AND DEPOSIT COMPANY)
OF MARYLAND,)
Plaintiff,)
v.) CIVIL ACTION NO.:2:07cv707-MEF
PEGGY NESSMITH,)
Defendant.)

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on Thursday, July 18, 2008, and was attended by:

Brian A. Dodd on behalf of the plaintiff, Fidelity and Deposit Company of Maryland; and

Ronald W. Wise on behalf of the defendant, Peggy NesSmith.

2. **Pre-Discovery Disclosures.**

The parties have previously exchanged the information required by Local Rule 26.1(a)(1).

3. **Discovery Plan.**

The parties jointly propose to the Court the following discovery plan:

Discovery may be needed on the following subjects:

All claims and defenses asserted by the parties. The limits designated in the *Federal Rules of Civil Procedure* are incorporated herein by reference.

All discovery shall be commenced in time to be completed by December 19, 2008.

Maximum of 40 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 40 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 8 depositions by plaintiff and 8 by defendants.

Reports from retained experts under Rule 26(a)(2) due:

from plaintiff by 90 days prior to trial date;

from defendants by 60 days prior to trial date.

Supplementation under Rule 26(e) due 30 days before trial date.

4. **Other Items.**

Plaintiff should be allowed until August 18, to join additional parties and to amend the pleadings.

Defendants should be allowed until September 19, 2008, to join additional parties and to amend the pleadings.

All potentially dispositive motions should be filed by January 19, 2009.

Settlement at this time cannot be realistically evaluated.

The parties request a final pretrial conference in March, 2009.

Final lists of trial evidence under Rule 26(a)(3) should be due:

from plaintiff: witnesses by 20 days before trial
and exhibits by 20 days before trial;

from defendants: witnesses by 15 days before trial
and exhibits by 15 days before trial.

Parties should have 10 days after service of final lists of trial evidence to list objections under Rule 26(a)(3).

The case should be ready for trial by April 2009, and at this time is expected to take approximately 3 days.

Date: July 21, 2008.

Respectfully Submitted

s/Brian A. Dodd
Bar Number: ASB-5193-D56B
Attorney for Fidelity and Deposit
Company of Maryland
STARNES & ATCHISON, LLP
100 Brookwood Place, 7th Floor
Birmingham, Alabama 35209
Telephone: (205) 868-6000
E-mail: Bdodd@starneslaw.com

s/ Ronald W. Wise
Ronald W. Wise
Bar Number: ASB-WISER0904
Attorney for Peggy NesSmith
2000 Interstate Park Drive
Ste. 105
Montgomery, Alabama 36109
Phone No.: 334-260-0003
e-mail: ronwwise@aol.com